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RESOLUTION NO. 2021-05

A RESOLUTION OF THE MASON TRANSIT AUTHORITY BOARD REVISING THE AMERICANS WITH DISABILITIES POLICY (POL-504) AND SUPERSEDING AND REPLACING IN FULL ANY PREVIOUSLY ADOPTED OR APPROVED AMERICANS WITH DISABILTIIES POLICY, INCLUDING RESCINDING RESOLUTION NO. 2019-11.

WHEREAS, the Americans with Disabilities Policy (POL-504) was last approved by the Mason Transit Authority Board in 2019; and

WHEREAS, the policy has been substantially updated to ensure that MTA policy is in alignment to federal and state regulations;

NOW THEREFORE, BE IT RESOLVED BY THE MASON TRANSIT AUTHORITY BOARD that the revised Americans with Disabilities Policy (POL-504), which is attached hereto and incorporated herein, be established and adopted; and

BE IT FURTHER RESOLVED that this Mason Transit Authority Americans with Disabilities Policy (POL-504) shall supersede and replace in full any previously adopted or approved Mason Transit Authority Americans with Disabilities Policy, including rescinding Resolution No. 2019-11.

Adopted this 19th day of January, 2021.

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Sharon Trask, Chair

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Sandy Tarzwell, Vice Chair

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ATTEST: Tracy Becht DATE: January 28, 2021
Tracy Becht, Clerk of the Board

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Title:	Americans with Disabilities Policy
Number:	504
Effective:	January 19, 2021
Cancels:	Resolution No. 2019-11
Prepared by:	Mike Ringgenberg, Operations Manager
Approved by:	Authority Board Resolution No. 2021-05

POL-504 AMERICANS WITH DISABILITIES

This policy applies to all Mason Transit Authority (MTA) employees and services.

1.0 Purpose

The Americans with Disabilities Act (ADA) is civil rights legislation which requires that persons with disabilities receive transportation services equal to those available on the fixed route service. The Americans with Disabilities Act was signed into law on July 26, 1990.

The purpose of this policy is to ensure compliance with the Americans with Disabilities Act. The ADA requires that:

- MTA shall not discriminate against an individual with a disability in connection with the provision of transportation service (49 CFR 37.5(a));
- Notwithstanding the provision of any special transportation service to individuals with disabilities, MTA shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service (49 CFR 37.5(b));
- It is not discrimination for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, an entity shall not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons (49 CFR 37.5(h));
- An individual with a disability shall not be required to be accompanied by an attendant (49 CFR 37.5(e)) nor be required to use designated priority seats if the individual chooses not to do so (49 CFR § 37.5(c));
- MTA shall not refuse to serve an individual with a disability or require anything contrary to this part because its insurance company conditions coverage or rates on the absence of individuals with disabilities or requirements contrary to this part (49 CFR § 37.5(g)).

See Also: Title VI Policy; Records Management Policy; EEO Policy; No-Show Policy; Customer Comment/Complaint Policy; Employee Handbook

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2.0 Policy

It is the policy of MTA that, when reviewed in their entirety, services, programs, facilities and communications provided by MTA, directly or by a contracted service provider, are readily accessible and usable to individuals with disabilities to the maximum extent possible. (49.CFR.37.105)

3.0 Notification of Policy

MTA will notify the public of the ADA Policy on its website and in the Rider's Guide. The fully copy of the policy is also available upon request at the Mason Transit Authority's transit office located at 601 West Franklin St, Shelton, WA 98584.

4.0 Designated Official

MTA shall designate one official within the agency responsible for ADA compliance, modification requests and handling complaints. The contact information is:

Mike Ringgenberg
Operations Manager
601 West Franklin St.
Shelton, WA 98584
360-432-5733
mringgenberg@masontransit.org

5.0 Records Retention

MTA will maintain all records relating to this policy for 6-years after the end of the project to comply with the Washington State Department of Transportation Consolidated Grant Program. (Also, see MTA's POL-206 Records Management Policy.)

6.0 Service, Fares and Holiday Service

MTA operates nine Deviated Fixed Routes and general Dial-a-Ride that are subject to this plan. Express routes and Worker/Driver services are not held to the full ADA statues.

MTA is fare-free within the county and provides reduced fare for persons with disabilities for out-of-county routes.

See Also: Title VI Policy; Records Management Policy; EEO Policy; No-Show Policy; Customer Comment/Complaint Policy; Employee Handbook

DocuSign Envelope ID: A8A12C25-CD92-4DBD-B759-CEF0E80215D6

MTA observes major holidays and is either closed or runs on reduced service on the holiday.

Please refer to the most current information regarding routes, fares and holiday schedule on our website http://www.masontransit.org or by calling customer service at (360)-427-5033 or 800-374-3747.

7.0 Transporting Mobility Devices

Passengers will be transported provided the lift or ramp and vehicle can physically accommodate them (49 CFR 37.165(b)(1), unless doing so is inconsistent with legitimate safety requirements (e.g. the combined weight of the wheelchair/occupant exceeds that of the lift or ramp specifications, or the size of the wheelchair would block an aisle or interfere with the safe evacuation of passengers in an emergency (Appendix D to 49 CFR 37.165)).

MTA can accommodate mobility devices that meet following minimum standards:

- Per 49 CFR 37.3 *"Wheelchair"* means a mobility aid belonging to any class of three or more wheels, usable indoors, designed or modified for and use by individuals with mobility impairments, whether manually operated or powered. This definition does not include devices not intended for indoor use such as golf carts or all-terrain vehicles, or devices not primarily designed to assist individuals with mobility impairments such as bicycles or tricycles (FTA C 4710.1);

- Per Appendix D of 49 CFR 37.3, "persons with mobility disabilities may use devices other than wheelchairs to assist with locomotion. Canes, crutches, and walkers, for example, are often used by people whose mobility disabilities do not require use of a wheelchair. These devices must be accommodated on the same basis as wheelchairs." Under direction of DOT, this would include OPMDs (Other Power-Driven Mobility Devices) such as a Segway. See: https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/use-segways-transportation-vehicles;

- Appendix D of 49 CFR 37.3 does not require transportation providers to permit an assistive device to be used in a way that departs from or exceeds the intended purpose of the device.

See Also: Title VI Policy; Records Management Policy; EEO Policy; No-Show Policy; Customer Comment/Complaint Policy; Employee Handbook

DocuSign Envelope ID: A8A12C25-CD92-4DBD-B759-CEF0E80215D6

8.0 Mobility Power Devices

When occupying a lift or securement area, it is recommended for safety the brakes on manual mobility devices, if equipped, be applied, and the power switch on power chairs, scooters, or Segways must be turned off.

9.0 Portable Oxygen Use

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and portable oxygen supplies (49 CFR 37.167(h)) (49 CFR 177.870(b)(c)).

10.0 Securement Policy

Per 49 CFR 38.23(d)(3), operators will use front-facing front and rear floor securements to secure mobility devices. If the bus is equipped with a rear-facing passive restraint system (49 CFR 38.159(d)(4), then floor securements are used at the request of the passenger. Operators will secure mobility devices at the strongest parts of the device; however, the passenger can indicate the most optimal tie-down spot. Drivers will assist passengers with securement systems, ramps, and seatbelts (49 CFR 37.165(f)); however, drivers cannot assist riders using power mobility devices with the operation of their equipment. Per 49 CFR 37.165(d), although MTA cannot refuse to transport someone whose mobility device cannot be satisfactorily secured provided the mobility device fits within the designated securement location, MTA operators shall use the provided securement system (49 CFR 37.165(c).

11.0 Stop Announcements

Per 49 CFR 37.167 (b)(1)(2), on fixed route systems, MTA operators will announce stops, transfer points with other fixed routes, major intersections, destinations points and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their locations. Operators are expected to announce their routes prior to initial departure by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on a particular route 49 CFR 37.167(c).

DocuSign Envelope ID: A8A12C25-CD92-4DBD-B759-CEF0E80215D6

12.0 Personal Care Attendants

Per 49 CFR 37.123(f)(1)(2)(3), a Personal Care Attendant (PCA) is someone who travels with and helps a rider who is not able to travel alone and could be a family member or friend acting in the capacity of a PCA. Per 49 CFR 37.131(c)(3), a PCA may ride with a rider at no charge and must have the same origin and destination as the accompanied passenger (49 CFR 123(f)(3). A guest or companion is anyone who travels on the bus with the passenger who is not designated as the passenger's PCA. The passenger must provide their own PCA if needed. If using Dial-A-Ride, the passenger must notify MTA when scheduling the ride whether or not they will be using a PCA (49 CFR 37.123(f)(2). This information will guarantee a place for the PCA to ride with the passenger. Guests and companions may ride on MTA as space is available. Guests and companions must pay regular fare where applicable.

13.0 Service Animals

Requirement: Per 49 CFR 37.167(d), MTA shall permit service animals to accompany individuals with disabilities in vehicles and facilities."

Per US DOT 49 CFR 37.3 "*Service Animal* means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to,

- guiding individuals with impaired vision,
- alerting individuals with impaired hearing to intruders or sounds,
- providing minimal protection or rescue work,
- pulling a wheelchair, or
- fetching dropped items."

Although the US DOJ amended its definition of a service animal to include only dogs and miniature horses, it does not apply in public transportation facilities or vehicles, which are subject to the US DOT definition. In addition, the Air Carrier Access Act (ACAA) includes animals that provide emotional support (comfort animals), this is not the case for public transit agencies. (National RTAP: Services Animals June 2, 2020)

Per RCW 49.60.214, misrepresentation of a pet as service animal is a civil infraction. The owner and pet may be excluded from MTA vehicles if in violation.

DocuSign Envelope ID: A8A12C25-CD92-4DBD-B759-CEF0E80215D6

To ensure adequate space is available for the animal, MTA may ask riders for notification of their intent to ride with a service animal (FTA C 4710.1(2.6)).

Caring for a service animal is the responsibility of the passenger or a PCA (28 CFR 35.136(e)). A passenger's request that the driver take charge of a service animal may be denied (49 CFR 37 Appendix E, Example 15).

Per 28 CFR 35.136(b)(1)(2)(c), service animals will be excluded if they are not under the handler's control at all times or the animal is not housebroken. If a service animal is excluded, the passenger with the disability will still be offered the opportunity to obtain goods, services and accommodations without having the suspended service animal on the premises.

Inquiries and documentation: Per 28 CFR 35.136(f) MTA shall not ask about the nature or extent of a person's disability but may make two inquiries to determine whether an animal qualifies as a service animal. MTA may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. MTA shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, MTA may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

In order to ride MTA:

- A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means) (28 CFR 35.136(d)).
- Birds, reptiles, amphibians, rodents, cats and other pets must be kept in an enclosed carrier or container. The container must not block any aisleway or be on a seat.
- The animal must remain at the passenger's feet or on lap. It may not sit on a vehicle seat nor block an aisle way.

DocuSign Envelope ID: A8A12C25-CD92-4DBD-B759-CEF0E80215D6

- The animal must not be aggressive toward people or other animals.
- The passenger is responsible for damages or injuries caused by the animal (28 CFR 35.136(h).
- Miniature Horses: Reasonable modifications, assessment factors and other requirements are outlined in 28 CFR 35.136 (i)(1),(2)(i)(ii)(iii)(iv),(3).
- For more information, please see https://www.ada.gov/regs2010/service_animal_qa.html

14.0 Courtesy, Sensitivity and Reasonable Modification

MTA is committed to providing safe, reliable, courteous, accessible and user-friendly services to its customers. To ensure equality and fairness, reasonable modifications to its policies, practices and procedures to avoid discrimination and ensure programs and services are accessible to individuals with disabilities. Request for accommodations can be made by calling Customer Service at 360-427-5033 or 800-374-3747 or by email at MTA@MasonTransit.Org

All MTA personnel are expected to be polite and considerate. The courteous, sensitive and professional image that MTA personnel display determines the success and reputation of Mason Transit within the community.

Mason Transit is committed to making public transportation in Mason County accessible to everyone and strives to make reasonable modifications to our policies, practices and procedures to avoid discrimination and ensure programs and services are accessible to individuals with disabilities.

Customers will be accommodated where possible, as long as it does not fundamentally alter the nature of our service, create a direct threat to the health and safety of others, or cause an undue financial burden. For example, a request should be granted if a customer with diabetes or another medical condition requests to eat or drink aboard a vehicle to avoid adverse health consequences, or take medication including conducting finger stick blood glucose testing and administer insulin injection (49 CFR 37 Appendix E (6)(7). However, a customer request that an Operator take charge of a service animal may be denied (28 CFR 35.136(e) and 49 CFR 37 Appendix E, Example 15). If a customer requests a reasonable modification from an Operator during transit, in some situations, the Operator may need to consult with Dispatch prior to granting or denying a request.

DocuSign Envelope ID: A8A12C25-CD92-4DBD-B759-CEF0E80215D6

MTA employees are reminded not all disabilities are visible and will honor all requests from the customer for the use of a lift or kneeling device.

15.0 Boarding Assistance

MTA Operators are trained and are expected to provide assistance to passengers to ensure safe boarding and de-boarding. Passengers must be provided adequate time to complete boarding and disembark from the vehicle (49 CFR 37.167(i).

16.0 Maintenance of Lifts or Ramps

MTA has established a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative (49 CFR 37.163(b)).

Operators must report to dispatch, by the most immediate means available, any failure of a lift to operate in service (49 CFR 37.163(c)). Operators are expected to test the lift or ramp during the pre-trip inspection.

When a lift is discovered to be inoperative, MTA shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service (49 CFR 37.163(d). If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service MTA is able to provide, the vehicle may be kept in service with an inoperable lift for no more than three days from the day on which the lift is discovered to be inoperative (49 CFR 37.163(e)).

In any case in which a vehicle is operating on a fixed route with an inoperative lift, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the entity shall promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because its lift does not work. (49 CFR 37.163(f))

17.0 Priority Seating

Per 49 CFR 37.167(j)(4), priority seating for elderly persons and persons with disabilities are provided.

It may be necessary for Operators to ask other passengers to yield the designated priority seating to seniors and persons with disabilities.

See Also: Title VI Policy; Records Management Policy; EEO Policy; No-Show Policy; Customer Comment/Complaint Policy; Employee Handbook

DocuSign Envelope ID: A8A12C25-CD92-4DBD-B759-CEF0E80215D6

Operators are not required to enforce the request that other passengers move from priority seating areas or wheelchair securement locations (49 CFR 37.167(3)).

18.0 Complaint Process

Mason Transit has established a Customer Comment/Complaint Policy and customers wishing to file a complaint and/or obtain a copy of the Customer Comment/Complaint Policy may contact Mason Transit Authority at 360-427-5033 or 800-374-3747; on the web at www.masontransit.org; or in person at the Transit-Community Center Customer Service Office located at 601 West Franklin Street, Shelton, WA 98584.